

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

BLUE DOG AT 399 INC.,

Debtor.

Chapter 11

Case No. 15-10694 (MEW)

BLUE DOG AT 399 INC.,

Plaintiff,

-against-

SEYFARTH SHAW, LLP and
RALPH BERMAN,

Defendants.

Adv. Proc. No. 19-01029 (MEW)

SEYFARTH SHAW, LLP and
RALPH BERMAN,

Third-Party Plaintiffs,

-against-

ELIZABETH SLAVUTSKY, ROBERT POWELL,
and D&D FUNDING II, LLC,

Third-Party Defendants.

**ORDER GRANTING MOTION TO DISMISS THIRD-PARTY COMPLAINT
AGAINST ROBERT POWELL AND D&D FUNDING II, LLC**

WHEREAS, on February 26, 2019, Blue Dog at 399 Inc. commenced the within action by filing a complaint against Seyfarth Shaw, LLP and Ralph Berman (together with Seyfarth Shaw, LLP, the “Third-Party Plaintiffs”); and

WHEREAS, on September 6, 2019, the Third-Party Plaintiffs filed a Third-Party Complaint in the within action against Elizabeth Slavutsky, Robert Powell, and D&D Funding II, LLC; and

WHEREAS, on September 26, 2019, Third-Party Defendants, Robert Powell and D&D Funding II, LLC, filed a Motion to Dismiss the Third-Party Complaint; and

WHEREAS, the Motion to Dismiss is docketed at Docket No. 28; and

WHEREAS, the Third-Party Plaintiffs opposed the Motion to Dismiss; and

WHEREAS, a hearing on the Motion to Dismiss was held on November 5, 2019; and

WHEREAS, the Court granted the Motion to Dismiss, it is hereby:

ORDERED, that for reasons stated on the record of the hearing, the Third-Party Complaint [Docket No. 24] is dismissed without prejudice as to Third-Party Defendants, Robert Powell and D&D Funding II, LLC.

Dated: New York, New York
November 14, 2019

s/Michael E. Wiles
UNITED STATES BANKRUPTCY JUDGE